

234 Sheppard Avenue West and 223 Harlandale Avenue –Zoning By-law Amendment and Official Plan Amendment — Supplementary Report

Date: June 3, 2025

To: North York Community Council

From: Director, Community Planning, North York District

Ward: 18 - Willowdale

Planning Application Number: 24 235666 NNY 18 OZ

SUMMARY

On November 15, 2024, the City received a Zoning By-law Amendment and Official Plan Amendment application for an 11-storey mixed use building (37.20 metres in height including mechanical penthouse) and a 4-storey residential building (15.45 metres in height including mechanical penthouse) at 234 Sheppard Avenue West and 223 Harlandale Avenue.

On May 20, 2025, Staff submitted a report to North York Community Council titled 234 Sheppard Avenue West and 223 Harlandale Avenue – Zoning By-law Amendment, Official Plan Amendment – Decision Report – Refusal (“the report”) which recommends that Council refuse the application to amend the Official Plan and Zoning By-law.

On June 2, 2025, the applicant appealed the applications to the Ontario Land Tribunal (the “OLT”) due to Council not making a decision within the statutorily prescribed time frame in the *Planning Act*.

As a result of the appeal, this supplementary report replaces the original recommendations with new ones as set out in this report. Consistent with the Refusal Report dated May 20, 2025, and for the reasons stated in that report, staff continue to now recommend City Council oppose the application in its current form and to continue discussions with the applicant to resolve outstanding issues and direct the City Solicitor with the appropriate City staff attend the OLT to oppose the appeals.

RECOMMENDATIONS

The Recommendations in the report from the Director of Community Planning North York dated May 20, 2025 be deleted in their entirety and replaced with the following:

1. City Council direct the City Solicitor and appropriate City staff to attend the Ontario Land Tribunal in opposition to the current application regarding the Official Plan Amendment and Zoning By-law Amendment appeal for the lands at 234 Sheppard Avenue West and 223 Harlandale Avenue and to continue discussions with the applicant to resolve outstanding issues for the reasons identified in the refusal report dated May 20, 2025.
2. In the event that the Ontario Land Tribunal allows the appeal, in whole or in part, City Council authorize the City Solicitor to request that the issuance of any Final Order be withheld until such time as the City Solicitor advises that:
 - a. the final form and content of the draft Official Plan Amendment and Zoning By-law Amendment is satisfactory to the Executive Director, Development Review and the City Solicitor;
 - b. the owner has at its sole cost and expense:
 - i. has submitted a revised Functional Servicing Report and Stormwater Management Report, Hydrogeological Review, including the Foundation Drainage Report ("Engineering Reports") to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services, in consultation with the General Manager, Toronto Water;
 - ii. If the Engineering Reports are accepted and are satisfactory and should they identify any new municipal infrastructure or upgrades to existing municipal infrastructure to support the development, then either:
 1. the owner has secured the design, construction, and provision of financial securities for any new municipal infrastructure, or any upgrades or required improvements to the existing municipal infrastructure identified in the accepted Engineering Reports, to support the development, in a financially secured agreement, all to the satisfaction of the Chief Engineer and Executive Director, Engineering and Construction Services and the General Manager, Toronto Water, should it be determined that improvements or upgrades are required to support the development, according to the Engineering Reports accepted by the Chief Engineer and Executive Director; or,

2. the required new municipal infrastructure or upgrades to existing municipal infrastructure to support the development in the accepted and satisfactory Engineering Reports in 2.b. ii (1) above are constructed and operational, all to the satisfaction to the Chief Engineer and Executive Director, Engineering and Construction Services;
 - iii. ensured that implementation of the accepted Engineering Reports does not require changes to the proposed amending By-law or that any required changes have been made to the proposed amending By-law to the satisfaction of the Executive Director, Development Review and the City Solicitor, including the use of a Holding ("H") By-law symbol regarding any new municipal servicing infrastructure or upgrades to existing municipal servicing infrastructure, as may be required;
 - iv. submitted an updated Transportation Impact Study or Addendum, and updated Parking and Loading Study or Addendum, to reflect revisions to site circulation, loading, parking and access for the development, to the satisfaction of the General Manager, Transportation Services;
3. City Council authorize the City Solicitor and City staff to take any necessary steps to implement City Council's decision, including requesting any additional conditions of approval that would be in the City's interest, in the event an appeal of Official Plan Amendment and Zoning By-law Amendment applications are allowed by the Ontario Land Tribunal, in whole or in part.

FINANCIAL IMPACT

The Development Review Division confirms that there are no financial implications resulting from the recommendations included in this Report in the current budget year or in future years.

COMMENTS

The applicant filed an appeal of the applications on June 2, 2025, after staff had submitted a report to North York Community Council recommending refusal of the applications but prior to the consideration of the report by North York Community Council at its meeting of June 4, 2025. The application was appealed on the basis that City Council did not make a decision within the statutorily prescribed time frame in the *Planning Act*.

As the appeal has been filed prior to Community Council considering the recommendations contained in the report, staff now require revised Council recommendations to address an appeal to the Ontario Land Tribunal, instead of a

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refusal of the development applications.

This report recommends that the City Solicitor, with appropriate staff, attend the OLT in opposition to the application in its current form and to continue discussions with the applicant in an attempt to resolve outstanding issues.

CONTACT

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SIGNATURE

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